

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

JIM PLUNKETT, INC., AND REGENT INSURANCE COMPANY,

Appellants

v.

MICHAEL ARD (DECEASED); VICTORIA ARD.

Respondents

DOCKET NUMBER WD79210

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: September 13, 2016

Appeal From:

LABOR AND INDUSTRIAL RELATIONS

Appellate Judges:

Division Four

Mark D. Pfeiffer, C. J. Presiding, James Edward Welsh, and Edward R. Ardini, Jr., JJ.

Attorneys:

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**MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**JIM PLUNKETT, INC., AND REGENT INSURANCE COMPANY, Appellants,
v. MICHAEL ARD (DECEASED); VICTORIA ARD, Respondents**

WD79210

Labor and Industrial Relations

Before Division Four Judges: Mark D. Pfeiffer, C. J. Presiding, James Edward Welsh, and Edward R. Ardini, Jr., JJ.

Jim Plunkett, Inc., and Regent Insurance Company appeal from the Labor and Industrial Relations Commission's determination that they were liable for permanent partial disability benefits due to an injury Michael Ard (now deceased) sustained while at work and that the personal representative of Ard's estate is entitled to the accrued and unpaid compensation due Ard in the amount of \$99,333.00 plus interest. Plunkett contends that the Commission failed to make factual findings supporting the award of permanent partial disability benefits as required by section 287.460.1, RSMo Cum. Supp. 2013, and that the Commission erred in awarding Ard's personal representative both accrued and unaccrued benefits.

AFFIRMED.

Division Four holds:

1. Findings just have to be sufficient to demonstrate how the controlling issues were decided. Given that the ALJ outlined and summarized Dr. Brent Koprivica's testimony and then found his opinion to be credible, the Commission's decision that Ard had a 65 percent permanent partial disability to the body as a whole was supported by substantial and competent evidence.

2. The Commission determined that Ard was entitled to \$99,333.00 for his permanent partial disability of 65 percent to the body as a whole. Those benefits accrued at the time that Ard reached maximum medical improvement and not at the time benefits were paid. Pursuant to section 287.230.1, RSMo Cum. Supp. 2013, the Commission, therefore, did not err in ordering that the accrued and unpaid compensation due Ard in the amount of \$99,300.00 was payable to Ard's personal representative.

Opinion by: James Edward Welsh, Judge

September 13, 2016

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